

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**CARLOS SANCHEZ,**  
**ID # 4889-10,**  
**Plaintiff,**

**vs.**

**I.C.S.,**  
**Defendant.**

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**No. 3:11-CV-0727-M-BH**

**RECOMMENDATION REGARDING REQUEST TO PROCEED  
IN FORMA PAUPERIS ON APPEAL**

Pursuant to *Amended Miscellaneous Order No. 6* (adopted by *Special Order No. 2-59* on May 5, 2005), requests to proceed *in forma pauperis* are automatically referred.

Before the Court is Plaintiff's *Application to Proceed In Forma Pauperis* on appeal, received July 6, 2011 (doc. 13).

- (X) The request for leave to proceed *in forma pauperis* on appeal should be DENIED because the Court should certify pursuant to 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith because Plaintiff's appeal is an interlocutory appeal. *See* 28 U.S.C. §§ 1291, 1292(a),(b). *See also McGrew v. Roundtree*, 385 Fed. Appx. 406 (5th Cir. July 20, 2010) (affirming the denial of IFP in an appeal of an interlocutory order); *Nellon v. Smith*, 239 F.3d 365 (5th Cir. Nov. 8, 2000)(unpublished) (dismissing an appeal of an unappealable interlocutory order for lack of jurisdiction); *Marler v. Adonis Health Products*, 997 F.2d 1141, 1144 (5th Cir. 1993) .

**If the Court denies the request to proceed *in forma pauperis* on appeal, Plaintiff may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). *See* Fed. R. App. P. 24(a)(5).**

**SIGNED this 7th day of July, 2011.**

  
IRMA CARRILLO RAMIREZ  
UNITED STATES MAGISTRATE JUDGE